



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail To: robert.wilkinson@avantorsciences.com

Docket No. F-02-2020-5075

Robert Wilkinson
VWR International LLC DBA Ward's Science
100 Matsonford Road
Radnor, PA 19087

Re: NOTICE OF REFUSAL OF ADMISSION

Import of UV Goggle Sanitizing Cabinet, 220 V, Entry No. 916-42149198

Dear Mr. Wilkinson:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or "the Act"), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product: UV Goggle Sanitizing Cabinet, 220 V (Catalog number 470138-076)

Importer: VWR International LLC

Manufacturer: Electronic Instrumentation

Consignee: VWR International - Henrietta, NY

Bill Number: MAEU599968650

Entry Number: 916-42149198

Arrival Date: 07/21/20

Entry Filed: 07/24/20

Port of Entry: 4601 – New York/Newark

Entry Lines: 109, 127

Total Units: 3 units

Your company was previously notified via a Notice of Detention and Hearing ("NOD"), dated August 5, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, your company was told that these products are pesticide devices because they are intended for an antimicrobial purpose and that EPA believed these devices were not produced in an EPA-registered pesticide producing establishment, as required by FIFRA § 7(a), 7 U.S.C. § 136e(a).

The NOD further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the product is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on August 24, 2020, your counsel sent EPA an email in which it was confirmed that although the UV-bulb packaged with the device was produced in an EPA-registered establishment, the device itself was not produced in an EPA-registered establishment. The email also provided photos of the device label which shows the label lacks not only an EPA establishment number, but also the name and address of the producer or distributor as required by 40 C.F.R §§ 152.500 and 156.10. The products are therefore misbranded as defined by FIFRA § 2(q), 7 U.S.C. § 136(q). Misbranded pesticide devices are prohibited from sale and distribution in the U.S.; therefore, any sale or distribution of the products in this shipment is a violation of FIFRA § 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F).

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: Carrie Watt, Avantor Inc. (carrie.watt@avantorsciences.com)
Christopher Ritchie, BDP International (Christopher.Ritchie@bdpint.com)
Saskia Caporellie, BDP International (Saskia.Caporellie@bdpint.com)
Terrance Brennan, U.S. Customs and Border Protection (terrance.m.brennan@cbp.dhs.gov)